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2
3 SANDRA ERAZO,

4 No. C 09-149 MHP

5 Plaintiff,

6 v.

7 **ORDER re FINAL DISMISSAL WITH**
PREJUDICE

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9 AURORA LOAN SERVICES, and DOES 1
TO 20, inclusive,

10 Defendants.

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12 This court's order filed June 19, 2009, recites the litany of plaintiff's failures to appear in this
13 action initiated by her, her appearance after issuance of an order to show cause and the instructions
14 given to her and defendant about the refiling of a motion to dismiss and that plaintiff file her
15 opposition to the motion on or before June 1, 2009. Plaintiff failed to comply and on June 19, 2009,
16 no opposition having been filed, this court deemed the motion submitted on the papers, granted the
17 motion and dismissed the complaint.

18 Now plaintiff attempts to dismiss the complaint *without prejudice*, providing neither a
19 stipulation of the parties nor seeking an order of the court. She merely files a Notice of Dismissal
20 pursuant to "Rule 41(a)(1)". Plaintiff is too late. An order has already been entered granting the
21 motion to dismiss. To make it further clear, the dismissal is **with prejudice** and the Clerk of Court
22 shall "Unfile" plaintiff's Notice of Dismissal filed June 24, 2009, and merely stamp it as
23 "Received". To reiterate, the complaint herein is **DISMISSED IN ITS ENTIRETY WITH**
24 **PREJUDICE**.

25 IT IS SO ORDERED.

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27 Dated: June 26, 2009

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Marilyn Hall Patel
United States District Court Judge
Northern District of California

